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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;
 ORACLE AMERICA, INC., a Delaware
 corporation; and ORACLE INTERNATIONAL
 CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation
 and SETH RAVIN, an individual,

Defendants.

Case No. 2:10-cv-0106-LRH-PAL

**DEFENDANTS RIMINI STREET,
 INC.'S AND SETH RAVIN'S MOTION
 FOR LEAVE TO FILE REPLY IN
 SUPPORT OF THEIR MOTION TO
 EXCLUDE CERTAIN INQUIRY,
 EVIDENCE, OR ARGUMENT
 REGARDING TOMORROWNOW,
 INC.**

Trial Date: September 14, 2015

Pursuant to Local Rule 16-3(b), Rimini Street Inc. and Seth Ravin (collectively "Rimini Street") respectfully request leave to file the attached 5-page reply brief in support of their Motion *in Limine* to Exclude Certain Inquiry, Evidence, or Argument Regarding TomorrowNow, Inc. In support of this motion, Rimini Street states the following:

The attached Reply is necessary to respond to the arguments raised in Oracle's Opposition (D.I. 605) and to clarify factual misstatements made by Oracle. Specifically, Oracle's Opposition suggests that Rimini Street will seek to introduce evidence of TomorrowNow as a "non-infringing alternative," and that any prejudice to Rimini Street regarding the introduction of TomorrowNow evidence can be ameliorated by means of a jury instruction.

Rimini Street, however, has not had the opportunity to contest these arguments. But, contrary to Oracle's suggestions and as detailed in the attached Reply, Rimini Street has no intention of introducing TomorrowNow evidence as a non-infringing alternative; and, because of the highly prejudicial nature of the TomorrowNow evidence, a jury instruction cannot remove the prejudice to Rimini Street. By providing Rimini's position on the arguments raised in Oracle's Opposition, Rimini Street's Reply will assist the Court in considering this motion *in limine*.

Finally, the granting of this motion for leave will not prejudice Oracle. Reply briefs are typically permitted in federal practice, and Rimini Street filed this particular motion *in limine* well

1 before the deadline provided by the local rules given the highly prejudicial TomorrowNow evidence
 2 that Rimini seeks to exclude. Rimini Street respectfully submits that the Court will benefit from a
 3 full set of briefs on this motion given the importance of these issues to the scope and nature of the
 4 trial. Rimini Street requests that the Court grant this motion for leave to file the attached Reply in
 5 support of Rimini's motion to exclude evidence of TomorrowNow's civil lawsuit, its stipulation of
 6 infringement, and/or the TomorrowNow criminal case.

7 Pursuant to Local Rule 16.1-3, counsel for Rimini Street has conferred with counsel for
 8 Oracle, and Oracle opposes this motion.

9
 10 DATED: July 9, 2015

SHOOK, HARDY & BACON

11 By: /s/ Robert H. Reckers
 12 Robert H. Reckers, Esq.
 13 Attorney for Defendants
 Rimini Street, Inc. and Seth Ravin

14 **CERTIFICATE OF SERVICE**

15
 16 I hereby certify that the foregoing DEFENDANTS RIMINI STREET, INC.'S AND SETH
 17 RAVIN'S MOTION FOR LEAVE TO FILE REPLY IN SUPPORT OF THEIR MOTION TO
 18 EXCLUDE CERTAIN INQUIRY, EVIDENCE, OR ARGUMENT REGARDING
 19 TOMORROWNOW, INC. was filed, on July 9, 2015, with the Court's CM/ECF system which will
 20 send notice, via email, to all attorneys registered with the CM/ECF system.

21 /s/ Robert H. Reckers
 22 Robert H. Reckers, Esq.